102D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPT. 102-296
Part 1

CREATING A TASK FORCE TO INVESTIGATE ALLEGATIONS CONCERNING THE HOLDING OF AMERICANS AS HOSTAGES BY IRAN

NOVEMBER 5, 1991.—Ordered to be printed

Mr. MOAKLEY, from the Committee on Rules,
submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany H. Res. 258]

[Including cost estimate of the Congressional Budget Office]

The Committee on Rules, to whom was referred the resolution (H. Res. 258) creating a Task Force of Members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980, having considered the same, reports favorably thereon with an amendment, and recommends that the resolution, as amended, pass. The amendment is as follows:

On page 1, line 1, strike all after the resolving clause and insert in lieu thereof the following:

That (1) There is hereby created a Task Force of Members of the House Committee on Foreign Affairs to Investigate Certain Allegations Concerning the Holding of Americans as Hostages by Iran in 1980, to be composed of thirteen Members of the House Committee on Foreign Affairs to be appointed by the Speaker, one of whom he shall designate as chairman. The Speaker shall, with respect to the Republican Members of the Task Force, make such appointments upon consultation with the Republican Leader. Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made. The Task Force is, with respect to the matters described below, authorized and directed to conduct a full and complete investigation and study, and to make such findings as are warranted, including, where appropriate, a finding that no credible evidence can be found to support particular allegations. The Task Force is further authorized and directed to make such recommendations to the Committee on Foreign Affairs as the Task Force deems appropriate, including those concerning the

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amendment of existing legislation or the enactment of new legislation. The Task Force shall fulfill these functions with respect to the following matters:

(a) Communications by or on behalf of the 1980 Reagan Presidential Campaign, or individuals representing or associated with that campaign, with any person or persons representing or associated with the Iranian Government or those persons within Iran holding Americans as Hostages during 1979 and 1980;

(b) Any attempt or proposal to attempt, by the 1980 Reagan Presidential Campaign or persons representing or associated with that campaign, to delay the release of the Americans held as hostages in Iran;

(c) Any activity by the 1980 Reagan Presidential Campaign to acquire or disseminate any information relating to actions being taken or considered by the United States Government in an effort to obtain the release of the Americans being held as hostages in Iran;

(d) Any sale or other transmittal of arms, spare parts or other assistance to Iran, in 1980 or thereafter, by any person or nation, intended to delay the release of the Americans held as Hostages by Iran, and any approval, acquiescence or knowledge of such sales or transmittals by the 1980 Reagan Presidential Campaign or persons representing or associated with that campaign; and

(e) Any actions taken to keep any communications or actions as described above, if any such communications or actions took place, from being revealed to the Government of the United States or the American people.

(2) One-third of the members of the Task Force shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the Task Force to be actually present, except that the Task Force may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony. When a quorum for any particular purpose is present, general proxies may be counted for that purpose. The Task Force may sit while the House is reading a measure for amendment under the five-minute rule. The rules of the House shall govern the Task Force where not inconsistent with this resolution. The Task Force shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the rules of the House. Such rules may govern the conduct of the depositions, interviews, and hearings of the Task Force, including the persons present. Such rules shall provide for the protection of classified information from unauthorized disclosure.

(3) The Task Force is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or has adjourned, to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, calendars, recordings, data compilations from which information can be obtained, tangible objects, and other things and information of any kind as it deems necessary, including all intelligence materials however classified, White House materials, campaign materials, materials of present and former government officials and materials pertaining to unvouchered expenditures or concerning communications interceptions or surveillance, and to obtain evidence in other appropriate countries with the cooperation of their governments and by letters rogatory, commissions, field depositions and other appropriate mechanisms. Unless otherwise determined by the Task Force the chairman, upon consultation with the ranking Republican member, or the Task Force, shall authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any person designated by the chairman or any member. The Task Force may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Federal Government.

(4) The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the Task Force. All meetings and hearings of the Task Force shall be conducted in open session, unless a majority of members of the Task Force voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(5) The Chairman, upon consultation with the ranking Republican member, may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. The Task Force shall be deemed a committee of the House for all purposes of law, including House Rule XI (2(n), and sections 6005, 1505, and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code. The Task Force may reim-

burse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Task Force, other than expenses in connection with meetings of the Task Force held in the District of Columbia.

(6) Unless otherwise determined by the Task Force the chairman, upon consultation with the ranking Republican member, or the Task Force, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Deposition and affidavit testimony shall be deemed to have been taken in Washington, DC, before the Task Force once filed there with the clerk of the Task Force for the Task Force's use. Depositions shall be deemed to be taken in Executive Session.

(7) The Task Force shall be authorized to respond to any judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(8) The Task Force shall provide other committees and Members of the House with access to information and proceedings, consistent with rule XLVIII(7)(c): Provided, That the Task Force may direct that particular matters or classes of matter shall not be made available to any person by its members, staff, or others, or may impose any other restriction. The Task Force may require its staff to enter nondisclosure agreements and its chairman, in consultation with the ranking Republican member, may require others, such as counsel for witnesses, to do so. Further Provided, That the Task Force shall, as appropriate, provide access to information and proceedings to the Speaker, the Majority Leader, the Republican Leader, and their appropriately cleared and designated staff.

(9) Authorized expenses of the Task Force for investigations and studies, including for the procurement of the services of individual consultants or organizations thereof, and for training of staff, shall be paid from the contingent fund of the House upon vouchers signed by the chairman and approved by the Speaker.

(10) By July 1, 1992, the Task Force shall report to the House the status of its investigation. With respect to this and any other report of the Task Force, including its final report, the report shall be accompanied by supplemental or additional minority views.

(11) At the conclusion of the existence of the Task Force all records of the Task Force shall become the records of the Committee on Foreign Affairs except for those records relating to intelligence matters which shall, upon the Task Force's designation, become the records of the House Permanent Select Committee on Intelligence.

PURPOSE OF LEGISLATION

House Resolution 258 creates a task force consisting of members of the Foreign Affairs Committee to investigate allegations pertaining to communications by or on the behalf of the 1980 Reagan Presidential Campaign with representatives of the Iranian government for the purpose of delaying the timing of the release of U.S. hostages in Iran. The Task Force shall investigate all matters relating to any sale or transmittal of arms, spare parts or other assistance to Iran in 1980, or thereafter, by any person or nation, intending to delay the release of the hostages, with the approval, acquiescence or knowledge of such sales or transmittals by the 1980 Reagan Presidential Campaign or persons representing or associated with the campaign.

COMMITTEE JURISDICTION

Under clause 1(q) of rule X, the Committee on Rules has jurisdiction over the rules and joint rules, and the order of business of the House. Pursuant to this rule, the Committee has the prerogative to report measures creating committees, directing them to make investigations, and bestowing certain authorities upon task forces that they would not otherwise have if established by a select committee, subcommittee or full committee.

BACKGROUND

By the fall of 1980, fifty-two Americans had been held hostage in Iran for nearly a year. Securing the release of these hostages was an issue at the forefront of the 1980 presidential race between then incumbent Jimmy Carter and the Republican candidate Ronald Reagan. Despite President Carter's effort to free the hostages prior to the November election, the hostages were not released until January 20, 1981, shortly after Ronald Reagan's inauguration.

In recent months, allegations have been made in the media and elsewhere that in the fall of 1980 individuals associated with the campaign organization of presidential candidate Ronald Reagan conspired with representatives of the Iranian government to delay the release of U.S. hostages until after the election, in exchange for the sale of arms to the government of Iran.

Allegedly, this secret agreement was made to prevent presidential incumbent, Jimmy Carter, from accomplishing an "October Surprise", an election-eve hostage release that would likely have bolstered his campaign.

On August 5, 1991, Speaker of the House Thomas Foley and Senate Majority Leader George Mitchell announced that they had requested House and Senate committees to conduct separate but parallel investigations into these allegations. In the House of Representatives, attempts to draft a bipartisan resolution failed. Thus, on October 23, 1991, two versions of an "October Surprise" resolution were introduced. H. Res. 258 was introduced by Representatives Hamilton, Gephardt, Fascell and Derrick. H. Res. 255 was introduced by Representatives Michel, Hyde, Leach, Snowe, Bereuter, Goss and Broomfield. Both versi ns provide for the creation of a special task force to be comprised of members of the House Foreign Affairs Committee.

H. Res. 258 provides that the Task Force shall consist of thirteen members of the Foreign Affairs Committee, presumably eight Democrats and five Republicans, to be appointed by the Speaker of the House. The resolution authorizes the Speaker to appoint Republican members upon consultation with the Minority Leader. Pursuant to this authority, Speaker Foley has voiced his intention to name the following Democrats to the task force: Representatives Lee Hamilton (Ind.); Stephen Solarz (N.Y.); Sam Gejdenson (Conn.); Robert Torricelli (N.J.); Mervyn Dymally (Calif.); Howard Berman (Calif.); Edward Feighan (Ohio); and Ted Weiss (N.Y.), with Representative Hamilton to serve as chairman.

The Republicans designated by the Speaker to serve on the task force are: Representative Henry Hyde (Ill.); Jim Leach (Iowa); Porter Goss (Fla.); Doug Bereuter (Neb.); and Olympia Snowe (Me.), with Representative Hyde to serve as the ranking minority member.

The Rules Committee held two days of hearings on H. Res. 258. At the second hearing the Committee heard testimony from the General Accounting Office regarding a narrow inquiry it had conducted upon the request of Rep. John Conyers, Chairman of the Committee on Government Operations. The GAO inquiry focused specifically on the facts surrounding allegations made by Richard Brenneke, who was tried in May 1990 by the U.S. government for

making a false declaration before a federal court. Mr. Brenneke had alleged that he and high-ranking officials of the Reagan-Bush campaign staff had met with Iranian officials in Paris, France, in October 1990, to negotiate delaying the release of Americans held hostage in Iran until after the November election. Mr. Conyers' request for a review followed Mr. Brenneke's acquittal of the charges. In a letter Mr. Conyers submitted to the Rules Committee explaining the reasons for his requesting an inquiry, he stated that the government's inability to disprove Mr. Brenneke's allegations concerning members of the Reagan-Bush campaign raised important questions. Mr. Conyers went on to say "[i]t is unclear why the Department of Justice did not produce evidence to convince a jury the claims were untrue."

At the Rules Committee hearing, the GAO emphasized its inquiry was very narrow in scope, specifically, to investigate facts surrounding allegations made by Mr. Brenneke. While GAO investigators interviewed participants in the Brenneke trial and pursued investigatory leads that resulted from those interviews, its lack of subpoena power and inability to take sworn testimony hampered its efforts to conduct an exhaustive inquiry.

During the hearing, the GAO stated that they could find no evidence to corroborate Mr. Brenneke's allegations. However, the extremely narrow scope of the inquiry could in no way be construed to be an exhaustive, thorough investigation into the October Surprise. When asked if the GAO inquiry had looked into allegations surrounding arms sales to Iran, meetings in other locations, such as Madrid, interviews with other individuals such as Ari Ben-Menashe and Jamshid Hashemi, the GAO responded that such leads had not been investigated.

To state that GAO conducted a full and complete investigation of the October Surprise is a misstatement of fact. To assert that GAO's inability to find evidence to corroborate Mr. Brenneke's allegations somehow obviates the need for a more thorough investigation is a conclusion that can only be made by those who do not want any investigation at all.

The Task Force established by this resolution would be able to do those things that GAO could not. It would be able to use the power of subpoena. It would be able to take testimony and depose individuals under oath. More importantly, the mandate of the Task Force would be to conduct a full, complete investigation and study all of the allegations surrounding the October Surprise.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 establishes the Task Force to investigate certain allegations concerning Americans held hostage in Iran in 1980. The Task Force is authorized and directed to conduct a full inquiry into any attempts by the 1980 Reagan presidential campaign to delay the timing of the release of Americans held hostage. The Task Force is also authorized and directed to make findings, as warranted, and to make recommendations to the Committee on Foreign Affairs as it deems appropriate.

The Task Force is to be comprised of thirteen members of the House Foreign Affairs Committee, to be appointed by the Speaker, one of whom he shall designate as chairman. The minority members shall be appointed by the Speaker upon recommendation of the minority leader.

Section 2

Section 2 provides respective quorum requirements for conducting regular business, reporting measures to the Full Committee, and holding hearings to take testimony. The resolution requires a one-third quorum for transacting any business, except reporting a matter, which shall require a majority being present. For the purpose of holding hearings and taking testimony, the Task Force may designate as a quorum a lesser number, but not less than two. When a quorum for any particular purpose is present general proxies may be counted for that purpose. The Task Force is authorized to sit while the House is reading a measure for amendment under the five-minute rule.

Section 2 also provides that the rules of the House shall govern the Task Force, except where they are inconsistent with this resolution. The Task Force may adopt additional written rules to govern its procedures provided they are not inconsistent with this resolution or the rules of the House. Such rules shall provide for the protection of classified information from unauthorized disclosure.

Section 3

Section 3 provides the customary authority to the Task Force to sit, act and hold hearings. The authority would be granted without regard to whether the House is in session, has adjourned, or has recessed and extends geographically throughout the United States, including any U.S. commonwealth or possession thereof. This language is similar to that which applies to standing committees under clause 2(m)(1)(A) of rule XI of the Rules of the House of Representatives and would allow the Task Force to conduct hearings or investigations outside the United States.

Section 3 also authorizes the Task Force to require, by subpoena or otherwise, the testimony of witnesses and the production of papers and other materials, including all intelligence materials, whether classified or not, White House materials, campaign materials, and materials of present and former government officials.

Unless otherwise determined by the Task Force, the chairman, upon consultation with the ranking Republican member, shall authorize and issue subpoenas.

The Task Force is authorized to request investigations, reports and other assistance from any agency of the executive, legislative and judicial branches.

Section 4

Section 4 provides that the chairman shall preside at all meetings and hearings of the Task Force. A member designated by the chairman shall preside in his absence.

All meetings and hearings shall be open to the public unless the Task Force votes to close them, a hearing quorum being present (i.e., minimum two members).

Section 5

Section 5 authorizes the chairman, upon consultation with the ranking Republican member, to employ and fix the compensation of such clerks, experts, consultants, attorneys and clerical persons as it considers necessary to carry out its duties under this resolution.

The Task Force is authorized to reimburse the members of its staff for travel, subsistence and other necessary expenses incurred by them in travelling outside the District of Columbia.

The Task Force shall be deemed a committee of the House for all purposes of law, including House Rule XI(2)(n), and sections 6005, 1505 and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code.

Section 6

Section 6 empowers the chairman to authorize a member or designated staff person to take affidavits and depositions under oath. Depositions shall be deemed to be taken in Executive Session.

Section 7

Section 7 authorizes the Task Force to respond to any judicial or other process, or to make any application to court, upon consultation with the Speaker consistent with Rule L of the Rules of the House of Representatives.

Section 8

Section 8 requires the Task Force to provide other committees and members of the House with access to information consistent with Rule XLVIII(7)(c). The Task Force may, however, direct that particular matters shall not be made available to any person, or may impose any other restriction.

Section 8 also authorizes the Task Force to require its staff to enter nondisclosure agreements. The chairman, in consultation with the ranking Republican member, may require others, such as counsel for witnesses, to enter such agreements as well.

As appropriate, the Task Force shall provide the Speaker, Majority Leader and Republican Leader, and their designated staff, with access to information and proceedings.

Section 9

Section 9 provides that authorized expenses of the Task Force for investigation and studies, including the procurement of services of individual consultants and the training of staff, shall be paid from the contingent fund of the House, upon vouchers signed by the chairman and approved by the Speaker.

Section 10

Section 10 requires the Task Force to report to the House the status of its investigation by July 1, 1992. This report and any

other report of the Task Force, including its final report, shall be accompanied by supplemental or additional minority views.

Section 11

Section 11 provides that the records of the Task Force shall become the records of the Committee on Foreign Affairs, except those records relating to intelligence matters which shall, upon the Task Forces designation, become the record of the House Permanent Select Committee on Intelligence.

COMMITTEE ACTION

On October 30, 1991, the Committee on Rules held a hearing on House Resolution 258 and received testimony from Representatives Hamilton, Michel, Hyde and Derrick. At this hearing, the minority exercised its rights under the Rules of the House to call additional witnesses. On November 7, 1991, the Committee held an additional hearing and took testimony from representatives of the General Accounting Office (GAO). The minority had also requested that Mr. Frank Askin be invited to testify. An invitation was extended to Mr. Askin. He did not appear.

At the conclusion of testimony on November 7, 1991, the Committee marked up House Resolution 258 and adopted an amendment in the nature of a substitute. The resolution, as amended, was ordered favorably reported by a vote of 8–4.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE OF REPRESENTATIVES

Committee Vote

Clause 2(l)(2)(B) of rule XI requires each committee report to accompany any bill or resolution of a public character, ordered to be reported by a recorded vote, to include the total number of votes cast for and against the reporting of the measure.

On November 7, 1991, the committee ordered House Resolution 258, with an amendment in the nature of a substitute, reported to the House, by an 8–4 vote, a quorum being present.

Committee Cost Estimate

Clause 7(a) of rule XIII requires that committee reports on any bill or joint resolution contain committee cost estimates.

The rule does not apply to the resolution.

Congressional Budget Office Estimates

Clause 2(l)(3)(B) of rule XI requires that each committee report contain any statement required by section 308(a)(1) of the Congressional Budget Act of 1974.

Clause 2(l)(3)(C) of rule XI requires that each committee report contain any cost estimate and comparison prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

The report of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 8, 1991.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H. Res. 258, a resolution creating a task force of members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980, as ordered reported by the House Committee on Rules on November 7, 1991. We estimate that implementation of this resolution would cost between $1.2 million and $2.5 million, which would be paid from appropriated accounts over fiscal years 1992 and 1993. Of this amount, $750,000 to $1.5 million would be the cost of staff currently working elsewhere in the federal government that would be detailed to the task force. The remaining $500,000 to $1 million would be spent by the task force and would come from the funds that would otherwise be available for other House committee expenses. This resolution does not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H. Res. 258 would create a task force to investigate the timing of the release of American hostages in Iran in 1980. The task force would be authorized to hold hearings, take depositions, conduct interviews, and request assistance of any federal agency. The chairman could hire the necessary staff to conduct the task force's operations. Finally, the resolution would authorize the expenses of the task force, including the procurement of services for consultants and training of staff, to be paid from the contingent fund of the House. The task force would have to provide an interim report by July 1, 1992, and would expire at the end of the 102nd Congress.

Because the nature and extent of the task force's work is still uncertain at this time, it is difficult to estimate its costs with any precision. One way to gauge the potential magnitude of the cost is to examine a recent temporary Congressional investigation with similar responsibilities—the House Select Committee to Investigate Covert Arms Transactions with Iran—which operated in 1987 and 1988. Information from the select committee's report and from the Clerk of the House shows that the select committee had about 80 employees and spent a total of $2.2 million over its life.

However, about half of the committee's staff consisted of personnel detailed from other committees, members' personal staffs, or federal agencies. The committee did not record costs for those employees because they continued to receive salaries from their original employers and either stopped working temporarily at their original agency or had to work more hours to provide services to the committee.

Based on information from the Committee on Foreign Affairs, which would set up the task force, it appears that the task force is unlikely to cost more than the House's Iran/Contra investigation. Preliminary indications are that the task force would require less staff—probably 10 to 20 detailed from other assignments, and perhaps 10 new employees requiring salaries that are not already

being paid. If the task force produces information necessitating intensive investigation, personnel costs could increase. The magnitude of the cost would depend largely on whether the task force hires outside counsel, and whether such counsel receives a salary from the House or is paid by the hour. The task force's use of consultants also could increase costs. CBO estimates that the task force would spend between $500,000 and $1 million, mostly in fiscal year 1992. Some costs would be incurred in 1993 for finishing up the task force's work. In addition, the 10 to 20 employees detailed to the task force would represent another $750,000 to $1.5 million of resources applied to the task force's work rather than the work of the employing agency.

The task force would have to request its funds from the Committee on House Administration, which would allocate funds from amounts already appropriated for committee expenses of the House in 1992. The salaries of personnel detailed to the task force from other House offices and federal agencies would be paid from amounts already appropriated for 1992. In both cases, the expenses of the task force would represent a reallocation of funds that otherwise would have been spent on other activities in 1992 unless a supplemental appropriation is provided.

Enactment of this resolution would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director.)

Inflation Impact Statement

Clause 2(l)(4) of rule XI requires that each committee report on any bill or joint resolution contain a statement relating to the inflationary impact of the enactment of that measure.

The rule does not apply to the resolution. However, the resolution would have no inflationary impact on prices or costs in the operation of the national economy.

Oversight Findings

Clause 2(l)(3)(A) of rule XI requires that each committee report contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X.

The committee has no oversight findings.

Oversight Findings and Recommendations of the Committee on Government Operations

Clause 2(l)(3)(D) of rule XI requires that each committee report contain oversight findings and recommendations made by the Committee on Government Operations required pursuant to clause 4(c)(2) of rule X.

No such findings and recommendations have been received.

Comparative Print

Clause 4(d) of rule XI requires reports from the Committee on Rules, on resolutions amending the Rules of the House of Representatives, to contain a comparative print indicating changes in the existing rules proposed by the resolution.

The resolution does not amend the Rules of the House of Representatives.

Changes in Existing Law Made by the Resolution, as Reported

Clause 3 of rule XIII requires the report to accompany a bill or joint resolution which repeals or amends existing law to contain a comparative print showing the changes made by the bill, as reported.

The rule does not apply to the resolution.

MINORITY VIEWS ON HOUSE RESOLUTION 258

We have consistently indicated that we would work with the majority on creating a so-called "October Surprise" Task Force so long as suspicions were removed that this was being done simply to spring a new October surprise on the eve of next year's elections for partisan, political purposes.

We agree that it is important to get to the bottom of allegations that anything unlawful or unethical may have been done by anyone in 1980 to affect the timing of the release of Americans being held hostage in Iran.

But the fact that this resolution confines itself to the 1980 Reagan campaign, and persons associated with it, does not meet that basic goal. By not including the Carter Administration within the scope of the inquiry, the resolution makes it impossible to get the full picture.

And, as GAO's own investigative experts have informed us, it would be impossible to conduct a thorough investigation into various allegations unless the inquiry included contemporaneous efforts by U.S. government officials in 1980 to secure the release of hostages, including any government proposals to swap arms for hostages.

While we do not question the many legitimate efforts of the Carter Administration to effect the release of the hostages, we are concerned about reports, such as that of Carter National Security council aide Gary Sick, in his book, *All Fall Down,* that the Administration did propose to the Iranian Government the release of some $150-million in frozen arms shipments in exchange for the hostages.

For this inquiry to be truly comprehensive, nonpartisan, and objective, it is critical that all such efforts, by whatever parties, be fully examined, to determine whether any laws or executive orders may have been violated, or that such information was kept from the American people and the appropriate committees of the Congress.

At a minimum, the resolution should be amended to include the hostage release efforts of the Carter Administration within the scope of the inquiry. And secondly, it should be amended to put a six-month deadline on the inquiry unless the House specifically extends it for good cause. Without these two changes, the resolution is baldly partisan and political, and the well will be poisoned before the investigation even begins.

For these reasons alone, we favor the resolution introduced by the Republican Leader (Mr. Michel), H. Res. 225, over the Hamilton resolution, since it both includes the Carter Administration under the scope of the inquiry and puts a six-month deadline on the inquiry, subject to extension by the House.

But beyond those reasons, the Michel resolution is preferable to the Hamilton resolution in several important procedural respects. These include: (1) requiring at least two Members, including at least one minority party Member, to take deposition testimony rather than one Member or one staffer as the Hamilton resolution does; (2) requiring the task force to vote on subpoenas rather than delegating this authority to the chairman; (3) requiring a majority of Members to be present to close meetings or hearings as required by House rules, rather than permitting as few as two Members to do so, as the Hamilton resolution does; and (4) requiring the task force to abide by the same House Rules as other standing and select committees, rather than giving it special privileges and exemptions that might jeopardize the reputations of witnesses and of the House.

We have also proposed amendments (1) to make the composition of the task force completely bipartisan to remove the cloud of partisanship that hangs over this whole endeavor; and (2) to require to the maximum extent possible, that the House task force conduct joint hearings with its Senate counterpart subcommittee and share staff, information and resources.

Finally, we are especially skeptical about the wisdom and advisability of a further inquiry into allegations and rumors that are over a decade old given certain recent revelations that have come to light since we began looking into this in October. These include the inability of the GAO to substantiate or corroborate any of the allegations it was directed to investigate by a secret, partisan request from the chairman of the Government Operations Committee. The request was made without the approval, knowledge or participation of any other members of the Government Operations Committee or the subcommittee directly involved. The results of the GAO inquiry, eventually made public after persistent efforts of the House Republican Leader questioning the partisan use of this non-partisan arm of the Congress, can best be summed up as chasing changing shadows down dry holes.

The minority has been refused in its attempt to call as a witness Mr. Frank Askin, a contract consultant to the Government Operations Committee who presumably has been looking into October Surprise allegations dating back to 1988 and also directed the GAO inquiry. One book quoted him as saying in 1988 that he had "substantial evidence" that the allegations were true. Yet no substantial evidence has been produced to the Rules Committee. Moreover, the Rules Committee, on a party-line vote, refused to subpoena Mr. Askin after he declined to voluntarily appear.

Secondly, two extensive investigative journalistic efforts by magazines not known for their conservative bias, came to the same conclusion as the GAO investigators—that the whole October Surprise conspiracy theory is pure myth and fantasy.

The New Republic, in a November 18, 1991, cover story entitled, "The Hunt for the October Surprise: The Conspiracy That Wasn't," includes the following conclusion:

> But the truth is, the conspiracy as currently postulated is a total fabrication. None of the evidence cited to support the October Surprise stands up to scrutiny. The key

> sources on whose word the story rests are documented frauds and imposters. (p. 16)

And the November 11, 1991, issue of *Newsweek* carries a similar cover story entitled, "Making of a Myth: The October Surprise: It Wasn't Treason, but a Conspiracy Theory Run Wild." That article contains the following conclusion:

> *Newsweek* has found, after a long investigation including interviews with government officials and other knowledgeable sources around the world, that the key claims of the purported eye witnesses and accusers simply do not hold up. What the evidence does show is the murky history of a conspiracy theory run wild. (pp. 18-19)

In short, the advocates of the October Surprise theory are spinning their conspiratorial webs out of cotton candy—90 percent hot air held together by 10 percent suspicious sticky-stuff.

While it is not our intention here to rehash all the details revealed in either the GAO investigation or the two magazine reports, we do have a responsibility to make a determination as to whether a further investigation into these wild allegations is even justified, and not just what the scope, authority and procedures of such a new inquiry should be.

According to one GAO official who briefed our committee, to do a thorough investigation into all the various allegations which have been made "would require something on the scale of the Iran-Contra inquiry." The House must ask itself at a time of burgeoning budget deficits and rapidly declining public confidence in the Congress whether it is prepared to spend millions of dollars more in poking around in decade-old rumors.

Is this really the way to convince the American people that Congress is expending its valuable time and taxpayer dollars in addressing our Nation's problems? Is this really the way to restore public confidence in its government? We think not, especially when the majority seems unwilling to launch a truly bipartisan investigation.

GERALD B. SOLOMON.
JAMES H. QUILLEN.
DAVID DREIER.
BOB MCEWEN.

ADDITIONAL VIEWS OF THE HONORABLE BUTLER DERRICK

During the Rules Committee's mark-up of House Resolution 258, the minority Members of the Committee offered various amendments to the measure, all of which the Committee quite properly rejected. Two of the amendments offered sought to include the activities of then-President Carter to secure the release of the hostages within the scope of the investigation, as well as his campaign organization, despite the fact that (1) Jimmy Carter was the duly-elected President of the United States, who bore the responsibility under our Constitution to conduct U.S. foreign policy, including any efforts to free the hostages; and (2) no allegations have been made that the 1980 Carter presidential campaign in any way interfered, or attempted to interfere, with our Government's efforts to secure the hostages' release from captivity. I believe trying to include President Carter in the scope of this resolution is a red herring which the House ought to reject outright.

Other Republican amendments sought to impose a six-month time limit on the investigation after which the House could vote to extend it if warranted. The Committee rightly rejected a six-month time limit, as should the House, for several reasons. First, the resolution calls for an interim report by July 1, 1992, detailing the status of the investigation; the House can at that time or even before terminate the Task Force if it so chooses. Second, we ought to learn from our experience with the Iran-Contra committee, which was subject to a time limit and whose work remained largely undone, some of its Members have told me, because of it. Moreover, there are some, in Congress and out, who want no investigation at all; imposing a time limit provides opponents the opportunity to stymie the investigation merely by resorting to delay.

Finally, we ought to learn from the evidence produced at the minority's hearing on the resolution. At that hearing seasoned General Accounting Office (GAO) investigators who had looked into but one limited piece of the puzzle—Richard Brenneke's allegations about a Paris meeting, allegations which our Government failed to disprove to a jury—advised us their limited inquiry took some eighty-five staff days during a six-month period between September 1990 and February 1991. If an established investigatory agency like the GAO could not fully examine one small aspect of the allegations within six months, a Task Force which does not yet exist has little chance of completing a much larger investigation within that time. However, I would suggest the lack of a six-month time limit does not mean the probe will necessarily take longer than six months; it could end within weeks if the Task Force quickly finds conclusive proof in the negative.

The Committee also rightly rejected Republican amendments to conform the Task Force, in most particulars, to the rules applicable to House committees and thus restrict the Task Force's flexibility

in areas such as depositions, subpoenas and reduced quorums to close meetings and hearings. I believe House Resolution 258 reflects a well-crafted approach to these unique duties this Task Force will face. The Task Force may have to depose literally hundreds of witnesses, many of them after subpoena, and the normal two-Member deposition requirement coupled with requiring a Task Force vote to authorize subpoenas would render that virtually impossible. The Task Force may have to travel overseas to conduct sensitive business; requiring a majority present to close a meeting would dramatically increase the costs of the investigation in that event, a result likely unforeseen by the proponents of the amendment. In short, the Task Force needs additional flexibility to do its job quickly, efficiently and economically. I fail to see how conforming it to House Rules applicable to standing committees achieves any goal other than impeding the Task Force's efforts to reach the truth—which is the whole point of the investigation in the first place.

I do not want to believe any presidential campaign would even consider such a dastardly deed as has been described, let alone consummate it. But these allegations, which have never been formally investigated, go to the very heart of our democratic form of government. I believe House Resolution 258 as reported from the Rules Committee will enable the Task Force to investigate "the October Surprise" fully, fairly and expeditiously. We owe it to the American people, as well as to those whose names have been besmirched, to lay it to rest once and for all. I urge the House to adopt the resolution as soon as possible.

BUTLER DERRICK.

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